

APPROVED MINUTES

KITTERY TOWN COUNCIL

March 23, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report –

Town Manager Puff stated that the next Athletic Master Field Plan was scheduled for April 8th at 6:30 P.M. and would be replayed on Channel 22.

Town Manager Puff noted relative to snow removal costs that the Town would be eligible to receive funds from FEMA up to \$30,000.

Town Manager Puff stated relative to the Rice Public Library, she had put together a small committee of four people to discuss the future of the Library. She continued they were looking to have a workshop with Council.

Town Manager Puff indicated that the Planning and Code offices were now fully staffed and the Code office would set specific hours they would be in the office.

Town Manager Puff noted they would be meeting with MEDOT soon to discuss whether the Route 1 Bypass area met the definition of urban compact.

Town Manager Puff stated that the transfer of the John Paul Jones Park from the State to the Town would be going in front of the legislature on March 3rd and expected it to go smoothly.

7. Acceptance of Previous Minutes –3/9/15 Special Meeting and 3/9/15 Regular Meeting.

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The minutes of 3/9/15 Special Meeting and 3/9/15 Regular Meeting were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (030215-1) The Kittery Town Council moves to abate the following taxes for Robert and Natalie Harris: 49-8 \$668.16; 60-12C \$59.36; 66-2D \$10.65; 60-3A \$147.64; 66-2C \$39.58; 60-12D \$3.05 and issue supplemental taxes to Central Maine Power for the following parcels: 49-8-1 \$668.16; 60-12C-1 \$59.35; 66-2D-1 \$10.66; 60-3A-1 \$147.63; 66-2C-1 \$39.57; 60-12D \$19.79.

COUNCILOR WHITE MOVED TO ABATE THE FOLLOWING TAXES FOR ROBERT AND NATALIE HARRIS: 49-8 \$668.16; 60-12C \$59.36; 66-2D \$10.65; 60-3A \$147.64; 66-2C \$39.58; 60-12D \$3.05 AND ISSUE SUPPLEMENTAL TAXES TO CENTRAL MAINE POWER FOR THE FOLLOWING PARCELS: 49-8-1 \$668.16; 60-12C-1 \$59.35; 66-2D-1 \$10.66; 60-3A-1 \$147.63; 66-2C-1 \$39.57; 60-12D \$19.79, SECONDED BY COUNCILOR SPILLER.

Councilor Denault asked how long the Town had known about these taxes issues. Town Manager Puff responded they had known for a few years but the Assessor had a hard time figuring out the exact portion of the taxes that needed to be transferred. Bruce Kerns, Tax Assessor, came to the podium and stated that there were multiple parcels of land involved and it was difficult to figure out as CMP did not have full interest in the parcels. Councilor Dennett asked Mr. Harris if he wished to have this issue acted on that evening. Mr. Harris responded that he did not. Councilor Pelletier noted that he would like more information before acting on this item.

COUNCILOR PELLETIER MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL THE REGULAR MEETING SCHEDULED FOR APRIL 13TH, SECONDED BY COUNCILOR LEMONT.

Councilor White stated it was his opinion that this issue should be figured out before the next tax bills went out. Town Manager Puff stated that a lot of work had been done on this issue but she would be happy to have Attorney McEachern speak to Council on the matter. Councilor Denault stated he thought postponing this until the next meeting would be appropriate.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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b. (030215-2) The Kittery Town Council moves to receive a presentation from Forrest Bell of FB Environmental Associates on the “2014 Water Quality Report: Spruce Creek Watershed” for the Town-funded projects completed in 2014 and the proposed projects for 2015 as part of the 319 Phase IV grant (\$59,050) awarded this past fall.

Forrest Bell of FB Environmental came to the podium and discussed the projects that had been completed in 2014 and the projects they were proposing for 2015. He continued that the ultimate goal was to reopen the shellfish beds. Mr. Bell noted they had received a \$60,000 from MEDEP for a water quality grant. Councilor Denault stated he thought Mr. Bell’s presentation was very similar to the prior year’s presentation and asked if there was any concrete work that had been completed that year. Mr. Bell responded that they had made tremendous progress over the past few years. Councilor White asked if he would consider including pet waste disposal in the next report and noted that he thought they had made improvements. Councilor Spiller asked if the melting snow would have any impact. Mr. Bell responded that it would and it would be much better if the snow melted slowly. Councilor Lemont stated that he was a member of the Shellfish Commission and stated they had seen the water quality improve greatly. Chairperson Thomson asked if there was an end point they were striving for. Mr. Bell replied they needed to get to consistent levels to meet the Federal Clean Water Act.

c. (030215-3) The Kittery Town Council moves to receive a report from a representative from the Portsmouth Naval Ship Yard to discuss transportation demand management and listen to Council’s concerns pertaining to the shipyard traffic and circulation.

Bill Banks, Executive Director of the Ship Yard, came to the podium and went over the improvements they had tried to make to help alleviate some of the traffic issues at the Yard. He continued that the Gate 1 bridge was currently under construction and would be for the next two years. Mr. Banks noted that there was a lot of construction on the Yard and that was contributing to the traffic problem. He continued there was no longer any parking outside of the Yard and they were looking at trying to make arrangements to bus workers in. Mr. Banks noted they encouraged their workers to carpool and they were also trying to stagger start times to help with the traffic. Chairperson Thomson stated that some residents were having a hard time getting out of places on Rogers Road and they were looking for more courtesy from workers. Mr. Banks replied that they were able to communicate with workers on an electronic basis and would remind them to be courteous. He continued he thought the Town should work with the police to take steps to ticket speeding drivers. Councilor White stated he thought it might be beneficial to deploy extra resources during high traffic periods. Councilor Lemont noted it seemed the problem was mostly in the afternoon. Mr. Banks committed to reengaging with the workforce about being courteous. Councilor Denault indicated he thought the officers directing traffic should be more aware of backups. Mr. Banks replied they were working to stagger the traffic better. Councilor Pelletier noted he thought the delivery truck drivers needed to be reminded of the correct route they should be taking.

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d. (030215-4) The Kittery Town Council moves to receive and discuss a report and recommendation from the Appointment Committee regarding appointments to Boards and Committees.

Chairperson Thomson noted there were a lot of recommendations relative to this issue, some involving changes to the code and some to Council rules. He continued he thought the Manager should put together all of the changes to the Town Code. Councilor Dennett indicated he thought the proposal was flawed and that they should hold a workshop on the matter. Chairperson Thomson stated they would hold a workshop on this issue on March 30th at 6 P.M.

10. PUBLIC HEARINGS - None

11. Discussion

a. Discussion by members of the public –

Shawn Harris came to the podium and asked if he could get copies of all of the work done on the tax issue discussed earlier. He continued that he would like to see what the attorney communicated to the town. Mr. Harris then asked when changes to the Town Report were due. Town Manager Puff replied that they were due now. Bob Harris came to the podium and stated that when the land was sold, he had sat down with the assessor and discussed the sale of the property. He continued that the assessor did not take any notes during that meeting and that he was upset to still be dealing with this issue.

b. Response from Council - None

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (030215-5) The Kittery Town Council moves to authorize an alternative procurement method to contract the services of FB Environmental Associates for the proposed Water Quality Project as part of Phase IV of the Spruce Creek Watershed 319 Grant for \$19,977.

COUNCILOR WHITE MOVED TO AUTHORIZE AN ALTERNATIVE PROCUREMENT METHOD TO CONTRACT THE SERVICES OF FB ENVIRONMENTAL ASSOCIATES FOR THE PROPOSED WATER QUALITY PROJECT AS PART OF PHASE IV OF THE SPRUCE CREEK WATERSHED 319 GRANT FOR \$19,977, SECONDED BY COUNCILOR PELLETIER.

Councilor Denault stated he would like to see some concrete results in the next year or he would not support this any longer. Councilor Pelletier stated he thought it might be beneficial to

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see the results listed in the next report. Councilor Spiller noted that she appreciated the efforts of Mr Bell and thought that this work was under attack when they were really doing an impressive job.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (030215-6) The Kittery Town Council moves to approve a renewal application for Jk Restaurants LLC, 5 Melanies Court, Kittery, Maine for a Malt, Spirituous and Vinous Liquor License for Rudder's Public House, 70 Wallingford Square, Kittery.

COUNCILOR SPILLER MOVED TO APPROVE A RENEWAL APPLICATION FOR JK RESTAURANTS LLC, 5 MELANIES COURT, KITTERY, MAINE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR RUDDER'S PUBLIC HOUSE, 70 WALLINGFORD SQUARE, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL VOTE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (030215-7) The Kittery Town Council moves to authorize a request from the Kittery Point Fire Association to hang a banner across Rogers Road in front of the Kittery Community Center, as well as, post signs at the Traffic Circle, the end of Haley Road on Route 1 and the corner of Bridge Street and Route 1 Bypass, to advertise their Ham & Bean Suppers from April 18-26 and October 10-18, 2015.

COUNCILOR LEMONT MOVED TO AUTHORIZE A REQUEST FROM THE KITTERY POINT FIRE ASSOCIATION TO HANG A BANNER ACROSS ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER, AS WELL AS, POST SIGNS AT THE TRAFFIC CIRCLE, THE END OF HALEY ROAD ON ROUTE 1 AND THE CORNER OF BRIDGE STREET AND ROUTE 1 BYPASS, TO ADVERTISE THEIR HAM & BEAN SUPPERS FROM APRIL 18-26 AND OCTOBER 10-18, 2015, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (030215-8) The Kittery Town Council moves to authorize a request from the Kittery Fire Station Association to hang a banner across Rogers Road in front of the Kittery Community Center and on York Hospital's outside wall on the corner of Walker Street and Route 1 to advertise their annual 5K Road Race and Walk, as well as, post signs in various locations throughout the community to advertise their Pancake Breakfast.

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COUNCILOR WHITE MOVED TO AUTHORIZE A REQUEST FROM THE KITTERY FIRE STATION ASSOCIATION TO HANG A BANNER ACROSS ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER AND ON YORK HOSPITAL'S OUTSIDE WALL ON THE CORNER OF WALKER STREET AND ROUTE 1 TO ADVERTISE THEIR ANNUAL 5K ROAD RACE AND WALK, AS WELL AS, POST SIGNS IN VARIOUS LOCATIONS THROUGHOUT THE COMMUNITY TO ADVERTISE THEIR PANCAKE BREAKFAST, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MOTION PASSES 7/0.

f. (030215-9) The Kittery Town Council moves to approve and sign a Construction Overlimit Permit Agreement with the Maine Department of Transportation Permitting the contractor for project No. NHP-2028(600) on Route 236 to use loads and equipment on municipal ways in excess of the limits as specified in 29-A MRS, on municipal ways as described in the "Construction Area".

COUNCILOR SPILLER MOVED TO APPROVE AND SIGN A CONSTRUCTION OVERLIMIT PERMIT AGREEMENT WITH THE MAINE DEPARTMENT OF TRANSPORTATION PERMITTING THE CONTRACTOR FOR PROJECT NO. NHP-2028(600) ON ROUTE 236 TO USE LOADS OF EQUIPMENT ON MUNICIPAL WAYS IN EXCESS OF THE LIMITS AS SPECIFIED IN 29-A MRS, ON MUNICIPAL WAYS AS DESCRIBED IN THE "CONSTRUCTION AREA", SECONDED BY COUNCILOR LEMONT WITH ALL IN FAVOR. MOTION PASSES 7/0.

Councilor Dennett stated they could require a bond from the State if they wanted.

g. (030215-10) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENTS, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.

h. (030215-11) The Kittery Town Council moves to schedule a public hearing to authorize bonds for Capital Improvement Projects not to exceed \$3,079,832.00.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON APRIL 13, 2015 TO AUTHORIZE BONDS FOR CAPITAL IMPROVEMENTS PROJECTS NOT TO EXCEED \$3,079,832.00, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

i. (030215-12) The Kittery Town Council moves to schedule a public hearing on an amendment to Section 2.14 and 6.06 of the Kittery Town Charter.

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COUNCILOR DENAULT MOVED TO SCHEDULE A PUBLIC HEARING ON APRIL 13TH ON AN AMENDMENT TO SECTION 2.14 AND 6.06 OF THE KITTERY TOWN CHARTER, SECONDED BY COUNCILOR PELLETIER.

Councilor Dennett stated he thought this was going to be asking for trouble and asked the Town Manager to get an opinion from the town attorney.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (030215-13) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Ernie D'Angelo for his appointment to that board until 9/31/18 to fill the unexpired term of Dan Arbo.

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR DENAULT TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW ERNIE D'ANGELO FOR HIS APPOINTMENT TO THAT BOARD UNTIL 9/31/18 TO FILL THE UNEXPIRED TERM OF DAN ARBO, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (030215-14) The Kittery Town Council moves to appoint a representative to meet with the Chair of Port Authority to interview Mark Drummond for his appointment to that board until 8/31/16 to fill the unexpired term of Thomas Smith.

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR DENNETT TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW MARK DRUMMOND FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/16 TO FILL THE UNEXPIRED TERM OF THOMAS SMITH, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR. MOTION PASSES 7/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Lemont thanked everyone for a great workshop with the School Committee.

Councilor Spiller asked if they could receive a report on fixing the potholes in town. She continued she would like to remind residents to pick up after their dogs at Seapoint Beach and Fort Foster.

Councilor Denault stated they were still looking for former Boy Scouts to participate in an alumni night.

Councilor Denault noted relative to the Boston Cane, that Lillian True still had the Cane and would like to hold on to it.

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Councilor Denault indicated he was still receiving a lot of complaints about out of state plates in Town.

Councilor Denault then listed the residents who had passed away in the past few weeks.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Thomson stated they would be having a workshop the next Monday at 6:00 P.M.

Chairperson Thomson read a letter from Lauren Gallant praising the Kittery Fire Department for their response to a fire at her home recently on Pepperrell Road.

b. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:55 P.M.